

**RURAL COMMUNITY INSURANCE  
SERVICES (John Koretoff, Jr.),**

Appellant

**Representing the Appellant:**

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**AGBCA No. 2004-165-F**

**DECISION OF THE BOARD OF CONTRACT APPEALS**

May 10, 2005

**Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge WESTBROOK.**

This appeal arises out of a Standard Reinsurance Agreement for the 2000 crop year between Rural Community Insurance Company (RCIC), of Anoka, Minnesota, and the Federal Crop Insurance Corporation (FCIC). Rural Community Insurance Services (RCIS) is the managing general agent for RCIC. RCIC and RCIS are here cumulatively referred to as Appellant. Risk Management Agency (RMA) administers and oversees the programs of FCIC. Appellant's Notice of Appeal and Complaint were received at the Board April 26, 2004. Appellant appealed RMA's finding that RCIS was liable to FCIC for an indemnity overpayment in the amount of \$157,286 for non-compliance in adjusting and processing claims of John Koretoff, Jr. under his crop year 2000 Multiple Peril Crop Insurance (MPCI) policies for almonds.

The Board has jurisdiction to decide appeals of FCIC determinations under 7 CFR 24.2(b) and

400.169(d).

After the filing of pleadings and the Appeal File, the parties agreed to an adjudication of the appeal on the written record pursuant to Board Rule 11. Thereafter, during a telephonic conference convened on October 19, 2004, the Board set a schedule for future proceedings, including discovery.

The discovery cut-off date was set for January 31, 2005. Briefing was to conclude April 15, 2005. Subsequently, at the joint request of the parties, those deadlines were extended. On March 28, 2005, the Board received Appellant's Motion to Compel Discovery. FCIC was afforded 14 days in which to respond.

On April 8, 2005, the Board received Appellant's notice that the appeal had been settled and its withdrawal of the Motion to Compel.

Appellant has now advised the Board that the parties have executed a settlement and release agreement. Appellant has remitted the funds contemplated by the settlement. Appellant requested that the appeal be dismissed with prejudice.

**DECISION**

Pursuant to Appellant's request, the appeal is dismissed with prejudice.

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**ANNE W. WESTBROOK**

Administrative Judge

**Concurring:**

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**HOWARD A. POLLACK**

Administrative Judge

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**JOSEPH A. VERGILIO**

Administrative Judge

**Issued at Washington, D.C.**

**May 10, 2005**